



REPORT TO THE GOVERNOR AND THE LEGISLATURE

STATEWIDE LANGUAGE SURVEY AND IMPLEMENTATION PLAN

2008-2009

Prepared by the

STATE PERSONNEL BOARD

Anne Sheehan – President
Richard Costigan – Vice President
Sean Harrigan – Member
Maeley Tom – Member
Patricia Clarey – Member

Suzanne M. Ambrose – Executive Officer

801 Capitol Mall
Sacramento, CA 95814



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I. INTRODUCTION

A. Executive Summary

This report to the Governor and the Legislature has been prepared by the State Personnel Board (SPB) pursuant to Government Code Section 7299.6. The data presented is vital to executives in each State agency, department, board, and commission in planning the delivery of services to the Limited-English Proficient (LEP) population of California. The number of Californians age five and over who speak a language other than English increased from 12.4 million in 2000 to 14.4 million in 2008. Approximately 42.3 percent of Californians speak a language other than English in the home. The fastest growing LEP group is the Hispanic population. The primary reason for these demographic changes is immigration; more immigrants come to California than to any other state. In 2008, California was home to 26 percent of the nation's foreign-born population (U.S. Census Bureau, 2008).

This report summarizes the 2008-2009 Statewide Language Survey results and subsequent Implementation Plans that document how each State agency provides services to its LEP clients and plans to address identified unmet bilingual needs. Some of the findings presented in Section II.B and Section III.B are highlighted below.

- A total of 57 State agencies that met the criteria of providing language access services to California's LEP population participated in the language survey. This is a decrease of 46 State agencies over the 103 State agencies that participated in the 2005-2006 Statewide language survey, a 45 percent decrease. Of the 103 State agencies that participated in the 2005-2006 Statewide Language Survey, 41 (60 percent) would have been granted an exemption from participating in the survey since they have little or no contact with California's LEP population.
- Sixty-one State agencies petitioned and were granted an exemption from participating in the language survey. These State agencies provide little or no services to California's LEP population.
- A total of 6,503,684 public contacts were recorded during a ten-day survey period. This represents an increase of 1,999,896 public contacts over those reported in the 2005-2006 Statewide Language Survey, an increase of 44 percent.
- There are 7,345 certified bilingual positions allocated within the 57 reporting State agencies. This represents a 65 position increase over those cited in the 2005-2006 Statewide Language Survey Report, an increase of 1 percent.
- The number of non-English languages identified during the survey period was 98. This is the same number as reported in the 2005-2006 Statewide Language Survey.

The number of certified bilingual position deficiencies increased by 154, from 822 in 2005-2006 to 975 in 2008-2009. The number and percentage of the total position deficiencies are reflected as follows:

- Spanish: 895 (91.7%)
 - Tagalog: 22 (2.5%)
 - Vietnamese: 16 (1.7%)
 - Mandarin: 6 (0.6%)
 - American Sign Language: 5 (0.6%)
 - Other 21 languages: 31 (3.2%)
- Of the 37 State agencies that reported unmet LEP needs during the 2008-2009 Statewide Language Survey, 13 of them accounted for 90 percent of all deficiencies reported.

B. Background

The 1973 Dymally-Alatorre Bilingual Services Act (Act) requires that every State agency that is directly involved in providing public services employ bilingual employees or have established bilingual resources when a substantial portion of its clients are LEP. In 1977, the Legislature added to the Act a section which mandates that materials explaining services in English be translated into non-English languages spoken by a substantial number of the LEP serviced population. Another important addition was the definition of “substantial” at 5 percent of the service population of any local office or facility of a State agency. This set the standard for determining the number of bilingual contacts required to mandate the establishment of bilingual positions. In 2002, the Legislature added to the Act a section which requires State agencies to document procedures for identifying language needs as well as plans to address deficiencies and complaints in providing service to their LEP clients.

The Act defines “public contact position” and establishes State agencies’ authority to determine which positions interact with the public in the performance of the State agency’s functions. A general description of public contact services provided by State agencies include: casework services; administrative, formal, and informal hearings; criminal and civil investigations; institutional services to students, patients, residents, and inmates; licensing and certification of individuals; or any other position where the primary job responsibility consists of meeting, contacting, and dealing with the public.

The SPB is required to inform State agencies of their responsibilities under the Act and provide technical assistance. State agencies are required to conduct a biennial survey of each of their local offices and report to the SPB the number of bilingual employees in public contact positions including the language in which they are certified, number of bilingual staffing needs, and number and percentage of LEP clients served by the State agency.

The Act specifically exempts from its provisions the State Compensation Insurance Fund (SCIF). In addition, the SPB has authority to grant exemptions to State agencies from participating in the Language Survey and Implementation Plan. To qualify, a State

agency must either employ the equivalent of 25 or fewer regular, full-time employees in public contact positions, or be able to substantiate that they consistently have fewer than a substantial number of contacts with LEP clients. Exemption from participating in the Language Survey and Implementation Plan does not absolve a State agency from compliance with the Act and providing services to its LEP contacts.

This report documents results of the Language Survey and Implementation Plan process that was implemented in 2008-2009, and will reference certain results of the 2005-2006 Language Survey. No data was collected or reported in 2007, since the Act was amended to an even-odd biennial reporting schedule. Reporting deadlines were also changed, to October 1 of even-numbered years for responses to the Language Survey, and October 1 of odd-numbered years for the Implementation Plan.

C. Continuous Improvement Activities and Plans

In 2008, the Highlands Consulting Group (Highlands) conducted an assessment and made business process improvement recommendations concerning the activities of SPB's Bilingual Services Program (BSP), which includes the biennial Language Survey. The Highlands study included a detailed review of BSP's components, as well as interviews with BSP staff, bilingual coordinators from various State agencies, and a language access advocate within a local community-based organization.

The BSP also convened an interdepartmental Task Force of Bilingual Coordinators to identify concerns about the survey's content and administration, and to suggest ideas for changes that would meet the requirements of the Act as well as the day-to-day business realities of State agencies.

As a result, BSP made significant changes to the Language Survey and Implementation Plan:

- Aligned data collection to reflect that which is mandated by statute
- Eliminated open-ended questions to enable problems and deficiencies to be more readily identified
- Redirected questions on corrective planning and action from the Implementation Plan to the Language Survey in order to allow State agencies to begin reviewing its compliance with the Act and developing its bilingual program
- Simplified data collection and reporting process by consolidating eight data gathering forms into two
- Streamlined the on-line system log in process
- Allowed State agencies to select 10 individual days for data collection (rather than two one-week periods) to provide flexibility to agencies that operate on a continuous basis.

II. LANGUAGE SURVEY

This section provides a high-level overview of the process employed by the SPB and State agencies to gather the 2008-2009 Language Survey data and an overview of findings based on the compiled results.

A. Procedures

Each State agency must complete a language survey every even-numbered year unless they petitioned and were granted an exemption from participating in the survey. The SPB developed a set of standardized procedures in order to facilitate completion of the 2008-2009 Statewide Language Survey completed by participating State agencies. The following provides an overview of the process.

- **Train Departmental Coordinators:** The SPB developed and provided training to State agencies on the survey process and the Automated Language Survey On-line System used to report survey results.
- **Train Public Contact Employees:** Each State agency that received training from the SPB provided guidance to all public contact employees in that State agency.
- **Conduct Language Survey:** Each participating State agency administered the survey over a 10-day survey period between the months of May and September. The survey collected demographic information from all public contacts.
- **Compile and Submit the Results:** State agency employees compiled the results from their offices and submitted them to the SPB through the Automated Language Survey On-line System no later than October 1.

Upon completion of this process, the SPB compiled all results in order to gain insight into the statewide level of service provided to California's LEP population and to assist State agencies identify deficiencies to address in their Implementation Plans.

B. Findings

The major findings of the 2008-2009 Statewide Language Survey are as follows:

1. Public Contacts

A total of 6,503,684 public contacts were reported from the 57 State agencies that conducted the survey. (Exemption from survey conduct was granted to 61 State agencies which met the guidelines provided in the Act.) Of these contacts, 898,809 or 14 percent were from persons who were identified as LEP. Spanish continues to be the dominant non-English language with 716,293 or 11 percent of the contacts. The other languages with a predominant number of contacts include:

- Vietnamese: 27,306 (0.42%)
- Cantonese: 24,872 (0.38%)
- American Sign Language: 19,591 (0.30%)
- Mandarin: 17,872 (0.27%)

Table 1 - Public Contact Statistics

	2005-2006	2008-2009
No. of English Contacts	3,870,193 (86%)	5,604,875 (86%)
No. of Non-English Contacts	633,595 (14%)	898,809 (14%)
Total No. of Public Contacts	4,503,788	6,503,684

While the total number of public contacts increased in 2008-2009 from the previous reporting period, the ratio of English to non-English contacts remained essentially the same.

2. Public Contact Positions

A public contact position is defined as “a position that emphasizes the ability to meet, contact and deal with the public in the performance of the State agency’s functions.” There were a total of 52,133 public contact positions reported from the 57 participating State agencies. Of these positions, 7,345 or 14 percent were certified as bilingual in a non-English language.

The Act defines a bilingual person as “a person who is proficient in both the English language and the foreign language to be used.” It also requires the employment of “qualified bilingual persons” in public contact positions. The Act defines “qualified” or “proficient,” as someone who is certified as proficient in the foreign language by passing a fluency examination administered by either the SPB or other approved testing authority.

The majority of the certified bilingual positions are held by Spanish-speaking employees (6,123 or 80.2 percent) followed by employees certified in American Sign Language (486 or 6.4 percent), Vietnamese (214 or 2.8 percent), Cantonese (199 or 2.6 percent), Tagalog (162 or 2.1 percent), and Mandarin (101 or 1.3 percent). The remaining bilingual positions (352 or 4.6 percent) are held by employees that speak other non-English languages. The 7,345 certified bilingual public contact positions are an increase of 65 positions (1 percent) from the 7,280 positions reported in the 2005-2006 Statewide Language Survey.

In addition to certified bilingual positions, many State agencies employ non-certified bilingual employees. Non-certified employees have not met the criteria or completed the process of becoming certified but are providing service in public contact positions to LEP clients. For the 2008-2009 Statewide Language Survey, there were 5,475 non-certified bilingual employees serving in public contact positions.

Table 2 - Public Contact Positions Statistics

	2005-2006	2008-2009
No. of English-Only and Non-Certified Bilingual Public Contact Positions	43,271 (86%)	44,788 (86%)
No. of Certified Bilingual Public Contact Positions	7,280 (14%)	7,345 (14%)
Total No. of Public Contact Positions	50,551	52,133

3. Bilingual Position Deficiencies

A total of 975 certified bilingual contact position deficiencies were identified throughout 57 State agencies during the 2008-2009 survey period. This indicates a net increase of 154 certified bilingual contact position deficiencies from the 822 reported in the 2005-2006 Language Survey Report.

Languages with the greatest identified deficiencies (approximately one percent or more of the total) are presented below.

Table 3 - Identified Language Deficiencies

	2005-2006	2008-2009
Spanish	690 (84%)	895 (92%)
Tagalog	20 (2%)	22 (3%)
Vietnamese	25 (3%)	16 (2%)
Mandarin	11 (1%)	6 (0.6%)
American Sign Language	6 (1%)	5 (0.6%)
Korean	None	5 (0.5%)
All other languages	55 (7%)	20 (2.4%)

While some State agencies are experiencing deficiencies, 20 (35% of those surveyed) reported no deficiencies and are meeting the requirements of the Act. (This is in addition to the 61 agencies that applied for and met exemption requirements.)

As previously noted, State agencies use non-certified bilingual staff to serve LEP clients. If all non-certified bilingual staff were to become certified, the number of deficiencies reported could decrease by as much as 411 positions (42 percent of the deficiencies).

The SPB identified 51 instances where identified deficiencies represented less than half of a position to meet compliance. Deficiencies smaller than half of a position present a challenge for State agencies to address by recruitment of bilingual staff. However, these deficiencies can be addressed utilizing other

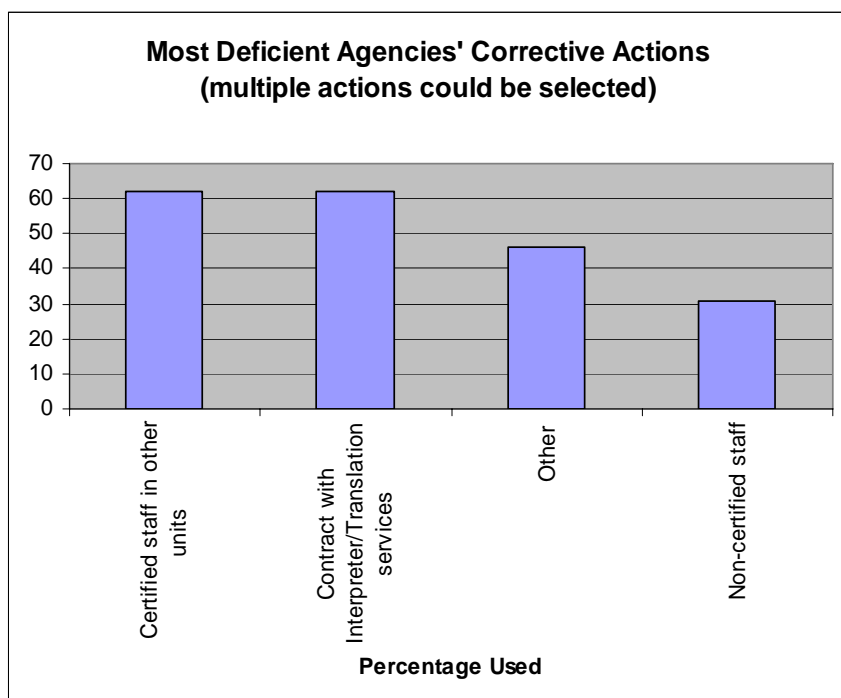
means such as utilizing certified and non-certified bilingual employees and a telephone interpreter service.

Of the 37 State agencies that reported unmet LEP needs during the 2008-2009 Statewide Language Survey, 13 of the State agencies accounted for 90% of the deficiencies.

While the survey's bilingual position deficiency statistics appear to indicate that LEP needs are unmet in State agencies, this is, in fact, not the case. State agencies whose comparison of LEP public contacts vs. certified bilingual public contact employees reflect deficiencies indicate that needs are in fact met through a variety of resources. These may include:

- Utilizing certified staff in other units to correct units with deficiencies
- Utilizing a contract with interpreter/translation services
- Utilizing non-certified staff to correct deficiencies, while waiting for certification

The following table displays the prevalence of these actions among the 13 State agencies with the greatest number of deficiencies in the 2008-2009 Statewide Language Survey:



- “Other” in the above table includes actions such as continuing to use telephone interpreter services, having non-certified staff become certified, and recruiting bilingual employees for future vacancies.

III. IMPLEMENTATION PLANS

This section summarizes the process employed to gather Implementation Plans from State agencies with deficiencies identified in the 2008-2009 Statewide Language Survey and presents an overview of the findings contained in the plans.

A. Procedures

Unless specifically exempted by the SPB, each State agency must complete and submit an Implementation Plan to the SPB no later than October 1 of odd-numbered years. Whereas the language survey collected demographic information related to public contacts, the Implementation Plan gathers information related to the services provided to LEP clients by the State agency and how the State agency addresses deficiencies identified in the Language Survey.

B. Findings

Fifty-two agencies submitted an Implementation Plan, including both those that reported bilingual position deficiencies (37 agencies) and those that did not. The major findings of the 2008-2009 Statewide Language Survey and Implementation Plans are as follows:

1. Translated Materials

Eighty-eight percent of State agencies that met the 5 percent LEP threshold overwhelmingly reported that they have procedures to identify materials that need to be translated as required by the Act.

Once documents are translated, it is important to inform both public contact staff and the LEP public that these documents are available for their use. State agencies utilize several alternatives to inform their LEP public of the availability of translated materials to ensure they are readily accessible. These include:

- Maintaining copies of translated materials in local offices
- Placing translated materials on the State agency's Internet Web site
- Mailing or providing information to the LEP public, upon request, or when a need is identified by departmental employees
- Translating signs or posters into non-English languages that are prominently displayed in State agencies' local offices that are accessible to the public
- Utilizing a toll-free telephone number available for the LEP public that is answered by bilingual employees and interpreters, or has available messages recorded in non-English languages
- Disseminating information to the LEP public at community outreach and/or public service events

- Disseminating translated documents to local governments, community organizations, contractors and/or other private and public entities that serve the LEP populations
- Publicizing in foreign language media (e.g., newspapers, radio, television)

2. Procedures for Identifying Language Needs and Staffing

Eighty-seven percent of responding State agencies reported that they have procedures in place for identifying language needs at local offices and have assigned qualified bilingual staff. State agencies use a variety of methods to determine whether their translated materials adequately meet the needs of their LEP clients. These include:

- Soliciting feedback from their public contact employees
- Relying on requests from the LEP public
- Utilizing the frequency of requests for interpreter assistance
- Using all of the above

Fourteen percent of the State agencies reported that they do not have appropriate procedures in place and require assistance to develop such procedures. SPB is addressing these needs in several ways:

- Direct consultation with State agencies
- Introducing departments to bilingual coordinators within their own State agencies to share resources and expertise
- Establishing a “knowledge base” of various departments’ bilingual policies, training materials and frequently asked questions

3. Procedures for Recruiting Qualified Bilingual Staff

Seventy-seven percent of the State agencies that submitted an Implementation Plan reported that they have procedures in place to recruit qualified bilingual staff to meet their language needs. State agencies have a wide variety of procedures for recruiting qualified bilingual staff to meet their language needs. Methods common to a majority of the State’s larger agencies are as follows:

- Work with LEP communities and foreign language media to reach applicants with the required language fluency
- Contact current non-certified employees for testing of their bilingual fluency
- Job announcements and advertising include bilingual fluency skill as requirement or desired qualification

- Advertise at community outreach events
- Utilize bilingual certification lists to fill vacant bilingual public contact positions

4. Procedures for Testing Bilingual Fluency

State agencies have several options available to test and certify their bilingual employees' bilingual fluency. They may utilize the services of the SPB to certify bilingual fluency, utilize the testing services of another State agency or outside testing source, or utilize their delegated testing authority to test for certain languages.

Once bilingual staff have been recruited and hired, State agencies have formal training programs in place to ensure employees understand their responsibilities for providing an appropriate level of language-access to LEP individuals.

5. Procedures for Training Public Contact Staff

A majority of State agencies (75 percent) provide training for their public contact staff to ensure they understand their responsibilities for providing an appropriate level of language access to LEP individuals. For example:

- The California Highway Patrol conducts 60 hours of Spanish language classroom instruction for all cadets during their six-month training at the Academy.
- The Department of Social Services has an online language access training module for department staff.
- The Department of Motor Vehicles developed and distributes a Language Services Manual to all public contact employees which is also available on their intranet. It includes:
 - Information on the Act and DMV's language services policy
 - Information on the biennial statewide language survey
 - Instructions on how to obtain the assistance of a bilingual employee or how to make arrangement for interpreter services for non-English speaking clients
 - Procedures for processing complaints regarding the department's language services
 - List of bilingual employees and the languages they speak
 - Various handouts such as the "Language Contact Identification Sheet" for use by public contact staff
- The Employment Development Department's Disability Insurance (DI) Branch trains staff on the appropriate procedures for providing service to LEP clients in orientation and block training sessions. DI has designated a public service "single point of contact" (SPOC) located in field offices. The SPOCs are trained regarding LEP clients and are part of the One-Stop

concept. They are cross-trained in all program areas, such as Unemployment Insurance, Disability Insurance and Tax.

6. Language Access Complaint Process

When LEP clients' language needs are not being adequately met, it is important that they have an avenue to submit a complaint regarding language access. The Implementation Plans show that 85 percent of the State agencies have procedures in place to capture language access complaints. In an effort to assist State agencies in this area, the SPB developed language access posters that feature a toll-free telephone number and verbiage informing the LEP public of their right to request services in their native language. State agencies were provided with the posters to display in prominent areas accessible to the public. A toll-free telephone number was established to receive calls from LEP contacts if they are unsuccessful in obtaining bilingual services. Once SPB receives a language access complaint call, it directs the call to the State agency's bilingual coordinator for assistance.

7. Compliance with Other State or Federal Language Access Laws

In addition to the Act, 60 percent of the State agencies that completed an Implementation Plan are subject to other State or federal laws that affect their provision of services to LEP clients.

8. Contractor Compliance with Language Access Requirements

In some cases, public contact position services are fulfilled by contractors. In these instances, it is imperative that contractors understand their responsibilities to perform their services in compliance with language access requirements.

9. Other Resources Utilized to Provide Language Services

The Implementation Plan allows State agencies to report other resources utilized in order to provide services to LEP clients. Deficiencies are measured based on the number of staff as compared to the number of LEP contacts. However, the use of certified bilingual public contact staff is not the only means to deliver services to LEP clients. As mentioned previously, 13 State agencies account for 90% of the State's bilingual position deficiencies. In the case of every deficiency reported, the State agency indicated the means by which it would ensure action to correct the deficiency. (See Table 4 on page 9.)

IV. CONCLUSIONS

This section lists some conclusions based on the information collected in the 2008-2009 Statewide Language Survey and Implementation Plans.

- 1. Non-certified bilingual employees play a significant role in serving the needs of LEP clients:** While State agencies report position deficiencies, it should be noted that they have employed other mechanisms to ensure LEP clients have access to services. As already mentioned, State agencies could eliminate 42 percent of the identified position deficiencies if non-certified bilingual staff became certified.

2. **Alternate means of language services need to be recognized:** California State agencies provide language services through a broad array of alternatives: contract interpreters and telephone interpreters, for example. Position deficiencies are currently measured solely on the number of bilingual certified public contact employees. The other methods employed by State agencies to deliver services to their LEP clients should be incorporated into the process for determining position deficiencies to help more accurately identify true gaps in service.
3. **Departments are developing training materials and procedures to meet specialized needs:** All State agencies with significant (5 percent or more) LEP clients could benefit from a broader sharing of information and experiences of dealing with the LEP population.

Serving California's LEP population is and will continue to be important to the vitality of our State. The 2008 U.S. Census Bureau's American Community Survey (ACS) shows that languages other than English are spoken in 42 percent of California's households. The ACS also shows that 34 percent of the nation's Asian population and 29 percent of the nation's Hispanic population resides in California. In order to meet the needs of its LEP population, California must maintain its commitment to bilingual public service contact staff and support alternate methods for providing bilingual services. The SPB will continue to utilize the Language Survey and Implementation Plan tools to monitor State agencies' compliance with the Act and to ensure services continue to be provided to California's LEP public who seek governmental services.

WORKS CITED

U.S. Census Bureau. (2008), *2008 American Community Survey*.